IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 28 of 2005

JETHMAL

V/S

LRS OF ANAND RAJ & ORS

Mr. MR SINGHVI, for the appellant / petitioner

Mr. ASHOK PATEL, for the respondent

Date of Order : 19.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Perused the impugned order.

Admittedly application under Order 22 Rule 3 was filed praying for Mangilal to be substituted in place of Anandraj, and other plaintiffs were desired to be made respondent, and consequential amendments were allowed to be made. Learned trial court thereafter vide order dt. 22.4.2003 accepting the application of the defendant under O. 6 Rule 18 dismissed the suit as abated. The learned trial court thereafter vide impugned order reviewed that order, and found that the order dt. 22.4.2003 was out come of an accidental error.

In my view, the reasons given by the learned trial court do not require any interference apart from the fact

that even under O. 6 Rule 18 the suit could not be dismissed. In such circumstances, I do not find any error in the impugned order.

The appeal is, therefore, dismissed. The record of the learned court below as requisitioned be returned.

(N P GUPTA),J.

/sushil/